
Introduced by Senator DunnFebruary 17, 2005

An act to amend Section 23004.3 of the Government Code, relating to counties.

LEGISLATIVE COUNSEL'S DIGEST

SB 399, as introduced, Dunn. Counties: reimbursement: 3rd-party liability.

Existing law grants a county that has furnished hospital, medical, surgical, or dental care and treatment to a person who is injured or suffers a disease under circumstances creating a tort liability upon a 3rd person a right to recover from the 3rd person the reasonable value of the care and treatment furnished or to be subrogated to any right or claim of the injured or diseased person and to institute and prosecute legal proceedings to enforce those rights.

This bill instead would specify that, in order to enforce its subrogation rights, the county may institute those proceedings.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 23004.1 of the Government Code is
- 2 amended to read:
- 3 23004.1. (a) Subject to the provisions of Section 23004.3, in
- 4 any case in which the county is authorized or required by law to
- 5 furnish hospital, medical, surgical, or dental care and treatment,
- 6 including prostheses and medical appliances, to a person who is
- 7 injured or suffers a disease, under circumstances creating a tort
- 8 liability upon some third person to pay damages therefor, the

1 county shall have a right to recover from said third person the
2 reasonable value of the care and treatment so furnished or to be
3 furnished, or shall, as to this right, be subrogated to any right or
4 claim that the injured or diseased person, his guardian, personal
5 representative, estate, or survivors has against such third person
6 to the extent of the reasonable value of the care and treatment so
7 furnished or to be furnished.

8 (b) ~~The county may, to enforce such rights,~~ *In order to enforce*
9 *subrogation rights, the county may* institute and prosecute legal
10 proceedings against the third person who is liable for the injury
11 or disease in the appropriate court, either in its own name or in
12 the name of the injured person, his guardian, personal
13 representative, estate, or survivors. Such action shall be
14 commenced within the period prescribed in Section 340 of the
15 Code of Civil Procedure. In the event that the injured person, his
16 guardian, personal representative, estate, survivors, or either of
17 them brings an action for damages against the third person who is
18 liable for the injury or disease, the county's right of action shall
19 abate during the pendency of such action, and continue as a first
20 lien against any judgment recovered by the injured or diseased
21 person, his guardian, personal representative, estate, or survivors,
22 against the third person who is liable for the injury or disease, to
23 the extent of the reasonable value of the care and treatment so
24 furnished or to be furnished. When the third person who is liable
25 is insured, the county shall notify the third person's insurer, when
26 known to the county, in writing of the lien within 30 days
27 following the filing of the action by the injured or diseased
28 person, his guardian, personal representative, estate, or survivors,
29 against the third person who is liable for the injury or disease;
30 provided, however, that failure to so notify the insurer shall not
31 prejudice the claim or cause of action of the injured or diseased
32 person, his guardian, personal representative, estate, or survivors,
33 or the county.